

COMMISSIONERS PROCEEDINGS
NOVEMBER 29, 2005
CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Boldt, Stuart, and Morris, Chair, present.

9:45 A.M.

RETIREMENT PRESENTATION

Commissioner Boldt recognized John Kaiser, Operations Superintendent, Department of Public Works, for his work and dedication to Clark County since 1974. Commissioner Boldt presented a plaque to Mr. Kaiser on behalf of the Board of County Commissioners and thanked him for his many years of service.

Pete Capell, Director, Department of Public Works, provided some history of Mr. Kaiser's work with the county.

John Kaiser accepted the plaque and thanked everyone.

Commissioner Morris and Bill Barron said a few words of appreciation for Mr. Kaiser's efforts, particularly during the ice storm a couple years prior.

10:00 A.M.

PLEDGE OF ALLEGIANCE

The Commissioners conducted the Flag Salute.

PUBLIC COMMENT

Speaker #1

Elizabeth Thomas, 12422 NE 13th Avenue, Vancouver, commented on the methadone clinic. Ms. Thomas stated that she found out that CRC received their Certificate of Occupancy, as well as DOSA certification, which she says stunned her. Thomas said they had discussions with the county and were awaiting answers to several questions; however, as of November 22, there had been no response. Also, the Board of Commissioners did not indicate to any of the residents or representatives of the community that the issuing of the certificate of occupancy was imminent, and she found out that the permit was issued on November 16. Ms. Thomas stated that despite all the meetings and correspondence, as well as assurances from the board, it seems the Salmon Creek community as a whole was lied to. She further explained. Thomas stated that CRC never had any intention of finding an alternative site and the whole thing was a sham.

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Speaker #2

Jacque Demy, 3002 NE 115th Circle, Vancouver, resident of the Sherwood Ridge Neighborhood, stated that he has been involved with the contention between the Friends of Salmon Creek and CRC Health Corp since December 26, 2004. He said they had the support of the Board of Commissioners early on, which is what kept them going. He further explained. Mr. Demy stated that they were seriously let down.

Speaker #3

Steve Carroll, 11424 NE Summit Ridge Drive, referenced an email he received from Commissioner Boldt, which stated that CRC would make up another group from Mr. Carroll's neighborhood for the actual plan. He said that if CRC were allowed to form their own group, they would be able to manipulate damage control and downplay any future problems. He further explained. Carroll suggested that the group be formed by the county and its members selected by a non-bias third party. He said the board failed them once and he hoped they would consider his request.

Morris asked Mr. Carroll to clarify his request.

Carroll said it was his contention that if CRC were allowed to handpick the members they would essentially have control of the group as they did with the community advisory council. Instead, Mr. Carroll would like for the county to create an independent group or board to handle it.

Boldt stated that it was a difficult process and they didn't get what they wanted. However, as he understood it, now DOSA would be responsible for everything occurring within the methadone clinic. He said he would request that DOSA, with assistance from the county and Mr. Carroll, pick the members of the group. Boldt noted that if people have any concerns, they need to be taken directly to DOSA with a request to fix the problem. People also have the right to ask for revocation of CRC's license, if they have objections to something that might occur in the clinic. Boldt added that they are in contact with a security company that deals with methadone clinics. Also, DOSA would have to handle any traffic issues that might possibly arise.

Stuart apologized that people weren't notified regarding the status. He said his opinion hasn't changed and he still doesn't like the idea of a methadone clinic in that particular location. He explained that the information he was given was that DOSA and DSHS had granted the certification without the approval of the Board of County Commissioners. Some time ago, they had verbally said something to the affect of 'if you don't approve of the process, then we'll hold

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off on certification until you give it a thumbs up.' Stuart said that was not the case and they granted the certification without doing that. He further explained that once granted certification, the board could deny the Certificate of Occupancy; however, at that point they would be fighting both CRC and the state and they would lose. Also, in the process it would cost the county hundreds of thousands of dollars, with no result. The question now is how to they move forward? Stuart didn't know what the appeals process would be to DOSA or what the process would be for going to the state to have discussions about it, but he said he would be happy to look into it. He said that in terms of the group CRC is putting together, he agreed that it makes sense to not have members hand picked by the company and that he would be happy to assist with organizing that from the county's perspective.

CONSENT AGENDA

Stuart referenced item 8 (Collective Bargaining Agreement with the Deputy Sheriffs' Guild and MOU on Compensation and Health & Welfare) and congratulated both the Human Resources and Sheriff's Department for their work on this issue.

There being no public comment, **MOVED** by Boldt to approve items 1 through 13. Commissioners Morris, Boldt, and Stuart voted aye. Motion carried. (See Tape 243)

PUBLIC HEARING: TRANSPORTATION IMPROVEMENT PROGRAM/2006 ANNUAL CONSTRUCTION PROGRAM

Held a public hearing to consider adoption of the Transportation Improvement Program/2006 Annual Construction Program.

Bill Wright, Department of Public Works, presented. Mr. Wright explained that the TIP outlines the county's transportation priorities and expenditures for the next six years. The ACP is the first year of the TIP—2006. He stated that per the board's direction from earlier work sessions in the year, the TIP is now ready and with their approval they can publish and implement it by January 1, 2006.

Susan Wilson, Department of Public Works, provided further detail referencing an overhead chart that represented Transportation Improvement Program Expenditures by phase. Ms. Wilson stated that the 2006 program totals over \$37 million, including \$2.2 million for design work; \$6.7 million for property acquisition; and \$28.4 million for construction work. She then talked about the construction program for 2006, which includes finishing NW 117th/119th Street from NW 7th Avenue to Hazel Dell Avenue; and NE 117th Street from Hazel Dell Avenue to 99th Street. In early 2006, they will be breaking ground on NE St. Johns Road, NE 137th Avenue, NE 15th Avenue, NE Heisson Road at 244th Street intersection, Betts Bridge

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replacement. In 2007, they are scheduled to break ground on NE 72nd Avenue, Ward Road (Phase I), and Kline Bridge. In 2008, they plan to break ground on NE 63rd Street, NE 88th Street from St. Johns to Andresen, and the Salmon Creek Interchange Project.

Boldt noted that the NE Heisson Road project wouldn't be starting until March of 2006 because of ice closing the bridge. He wanted to know if that would jeopardize anything.

Kevin Gray, Department of Public Works, responded that after hearing from some of the neighbors regarding concerns they had about the condition of Basket Flats Road, they reviewed the situation and also talked with the contractor about their abilities to complete the work. After talking with the contractor and neighbors, they decided to delay the actual deck replacement until March because it would provide for better weather and seemed to be a win-win situation with minimal expense to the county.

Boldt said it was definitely a win for everyone.

Morris referenced 117th Street and said it appeared the opening date was delayed.

Gray stated that they've actually had a very mild fall and have been able to make more progress than they originally scheduled. He said they hoped of getting a base lift of pavement down on the eastern section of the roadway underneath the state highway to Highway 99 so when they reopen that section of roadway for the winter it would be a safer and better situation for commuters. *Gray* said they've been working well with the contractor in trying to adjust the road closure to meet that, if possible.

Morris asked *Gray* when he expected it to open.

Gray said he believed it was expected to open before Christmas, or perhaps New Years, depending upon the weather. He said either way there would be a wintering over so they would be back in to finish up the pavement and landscaping in the spring.

Morris then referenced 15th Avenue and said that Mr. Capell had mentioned that since they did not get the anticipated grant money they were going to shift the lost revenue stream over to the Road Fund. She also noticed that the Traffic Impact Fee calculation was based on current Traffic Impact Fees, and she said they were hopeful that those TIF's would be revised upward soon.

Pete Capell, Director, Department of Public Works, said that was correct. Mr. Capell said they were still working on that and would have information and options to present to the board, as requested. He said this particular Annual Construction Program and the 6-year TIP reflects

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what is currently in place so they would have to make adjustments if additional revenues become available.

Wilson continued her presentation moving on to ongoing programs, which include Transportation Safety, Sidewalk and ADA Compliance, Neighborhood Traffic, Advanced Right-of-Way, Environmental Mitigation, and Preservation. She said that in addition to construction projects, the six-year Transportation Improvement Program includes five walkways and several miscellaneous items within the ongoing program. She stated that ongoing programs currently in the design phase include NE 15th Avenue Walkway, NE 12th Avenue Walkway, ADA upgrades, NE 81st Street connection over Curtain Creek, and also includes installation of guardrails in 20 locations throughout Clark County. *Wilson* said the county continues to be successful in securing federal and state grant funds. She noted that they also have a few grant applications pending, which amount to approximately \$1.3 million, and staff is hopeful in competing statewide for more grant money in the coming year.

Stuart said in terms of the Public Works Trust Fund he thought there were other state agencies they might be able to get grants from.

Capell said that as far as the Public Works Trust Fund, no. In last year's legislation some of that money was diverted to their economic development program through CURB, so there was about half as much money available in this current round for Public Works Trust Funds.

Morris said she understood there was plenty of money available in the Public Works Trust Fund last year – more than what people were applying for.

Capell explained that by reducing the revenue stream coming in and going through the accelerated loan model, the past accelerated loans caused the fund to go into the red. So they had to go from a \$240 million program to about \$120 million.

Wright added that they were looking to receive monies from the new Federal Transportation Act that was approved this year, likely in 2007. He said that was the single biggest source of their grant money and would be a big factor in the future.

Boldt asked for clarification regarding the difference between the Transportation Improvement Program and the Annual Construction Program.

Capell said they serve two different functions and are both statutory requirements. He explained that the TIP is a six-year planning tool because the life of their projects are typically four or more years from start to finish and they can plan for expenditures over a six-year period. The ACP is something they are required to submit that indicates where they expect to expend funds

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on the specific projects during the calendar year of 2006. Capell said if any grant monies or project-related issues came up that caused them to expend money on any other projects not listed on the ACP, they would need to come back before the board and amend the annual program before they could expend any dollars on those projects.

Stuart asked if this would change, given they have a number of parks design going on. For example, Hockinson Park, for which they are starting the environmental impact statement process, will inevitably lead to a need for road improvements in that area. He wanted to know if they have flexibility within the TIP to make those kinds of changes when necessary.

Wright said they did. He said the ACP for next year was a certainty, plus or minus a few dollars in any given category. He further explained.

Capell said they also expect to see additional traffic impact fees; there may be other new revenues from other resources and so those would come forward to be programmed for special projects.

Morris stated that she has seen a couple of occasions in which the board has made significant changes from year to year in the six-year TIP. She described a particular incident.

There being no public comment, **MOVED** by Boldt to approve Resolution 2005-11-18 for the 2006-2011 Transportation Improvement Program. Commissioners Morris, Boldt, and Stuart voted aye. Motion carried. (See Tape 243)

There being no public comment, **MOVED** by Boldt to approve Resolution 2005-11-19 for the 2006 Annual Construction Program. Commissioners Morris, Boldt, and Stuart voted aye. Motion carried. (See Tape 243)

PUBLIC COMMENT (Continued)

Speaker #4

Greg Webber, resident of Ridgefield, commented on a pre-application conference for some land development he intends to do in Ridgefield and a ruling that he doesn't agree with. He explained that he is attempting to do a subdivision on a 20-acre parcel, north of 179th. Mr. Webber said he wanted to point out something relative to the county code and the interpretation of old versus new code. He said there was a rezoning on his property of AG to R-10 this last year and per county code, once a property is developed—which this was in 1990—it cannot be subdivided again. The old code had a provision that if there is a change of zoning and change of use on a property, you can re-divide; however, the new code has a blanket statement that you cannot if there has been division in the past.

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Morris had a few questions for Mr. Webber. She said he was north of 179th and outside of the urban growth boundary so that's 10-acre minimums. She didn't recall changing any AG. She asked if he was perhaps Urban Reserve.

Webber said no. It was AG-20 and was changed to R-10 last year, which from his understanding would give him the ability to re-apply for a cluster subdivision; however, he wasn't allowed to do so. He noted that he has talked with the Planning Department about this matter.

Morris asked if there was a cluster.

Webber said yes, in 1990.

Morris said they needed more information about it.

Boldt asked Mr. Webber if he bought the remnant of the cluster.

Webber said yes, a 20-acre parcel, and after he purchased it, it was rezoned from AG to R-10. He further explained the code.

Morris said the cluster ordinance was changed in probably 2001 or 2002 and the new ordinance did prohibit development on the remainder parcel, but it also didn't allow clustering on any kind of resource land. She said she was curious about the change from AG to R-10. She asked Mr. Carson, Director, Community Development, if he would find out more about Mr. Webber's situation and get back to the board.

[Brief discussion continued]

Webber added that their property encompasses both sides of Whipple Creek and he would like to put some of that property in the open space for the county for trails in the future. He said that was part of his plan, to make it a win-win situation for him and the county with the development, but he was surprised that it was downplayed by the county Planning Department when the proposal was laid on the table. He said it didn't seem like it was important to anyone, which seemed unusual to him.

Morris said it's something that's taken care of during the development review process and she wouldn't say the planner's were wrong in this until they find out more about the situation. She said if they need to make changes to the cluster ordinance, they can certainly do that. She said

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she couldn't recall if the cluster ordinance was considered a GMA-related development code—some are and some are not. She asked Mr. Carson if he could find out about that also.

COMMISSIONER COMMUNICATIONS

Boldt stated that the Mental Health division completed their RFQ to the state, which totaled 1,000 pages along with another 2,000 pages of documentation. He noted that the department worked over the Thanksgiving holiday in order to complete it.

Morris commented that Commissioner Stuart would be sworn in next Tuesday morning at 9:45 a.m.

2:00 P.M. PUBLIC BID OPENING

Present at bid opening: Rebecca Tilton, Board of County Commissioners Office; and Priscilla Ricci and Mike Westerman, General Services-Purchasing

BID OPENING 2425

Held a public hearing for Bid Opening 2425 – Annual Fresh Baked Goods. Mike Westerman, General Services, opened and read bids and stated that it was the Purchasing Department's intention to award Bid 2425 on December 6, 2005, at 10:00 a.m., in the Commissioners' hearing room of the Clark County Public Service Center, 6th Floor. (See Tape 244)

BOARD OF COUNTY COMMISSIONERS

Betty Sue Morris/s/
Betty Sue Morris, Chair

Marc Boldt/s/
Marc Boldt, Commissioner

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Steve Stuart, Commissioner

ATTEST:

Louise Richards/s/
Clerk of the Board

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